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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

B. R. L., a minor, by and through his Guardian Ad Litem, FRANCESCA LARA;)	Case No. 1:21-cv-01445-JLT-BAK (SKO)
FRANCESCA LARA, an individual; and)	
MIGUEL LARA, an individual,)	STIPULATION AND ORDER TO
)	AMEND SCHEDULING ORDER AND
Plaintiffs,)	SET TRIAL DATE
)	(Doc. 17)
v.)	
CLINICA SIERRA VISTA; LYNOUS)	
WILLARD HALL, M.D.; HUNG TRAW)	
HENRY LUU TRAN, M.D., ADVENTIST)	
HEALTH BAKERSFIELD; ADVENTIST)	
HEALTH; ADVENTIST HEALTH)	
SYSTEM/WEST HPL/GL TRUST; DESIREE)	
JAYNE DOMINGO LEAL R.N.; MARIAH)	
EARL, R.N.; KRISTEN MONIQUE WOODS,)	
R.N.; CLAUDETTE BARRIOS GERONIMO,)	
R.N.; APRIL MCWILLIAMS, R.N.;)	
KIMBERLY ANN JENNINGS, R.N.;)	
KAWALJOT SINGH BAJWA, R.T.; KRISTINA)	
NOR MAONG, R.N.; GISELLE CHOI, R.N.;)	
SUDHIR BHIKHUBHAI PATEL, M.D.;)	
SEONGMI KANG, R.N.; KARLA MERCEDES)	
PAGAN NESS, R.N.; JENA KAY KOCH,)	
R.N. and DOES 1 to 100,)	
Defendants.)	

Plaintiffs B.R.L, a minor, by and through his Guardian Ad Litem Franchesca Lara, Franchesca Lara, and Miguel Lara, and Defendants the United States and San Joaquin Community Hospital dba Adventist Health Bakersfield respectfully submit this Stipulation to Amend the Scheduling Order. The

1 parties have not previously sought an amendment to the scheduling order. As discussed below, good
2 cause exists for amendment because the complex issues in this medical malpractice case require
3 numerous depositions that are difficult to schedule for the various witnesses and counsel for the three
4 parties.

5 This is a medical malpractice case in which Plaintiffs allege negligence by health care
6 providers prior to B.R.L.'s August 16, 2019 birth at Adventist Health Bakersfield. They allege that
7 this negligence caused physical injuries and emotional distress to Plaintiffs Franchesca Lara and
8 B.R.L. and emotional distress to Plaintiff Miguel Lara. The United States removed the case from
9 Kern County Superior Court. Dkt. 1. Defendant the United States substituted in for defendants
10 Clinical Sierra Vista, Lynous Willard Hall, M.D. and Hung Traw Henry Luu Tran, M.D. in
11 accordance with the Federal Tort Claims Act (28 U.S.C. §§ 2671 *et seq.* and 28 U.S.C. § 1346(b))
12 (the "FTCA") and 42 U.S.C. § 233. Dkt. 4. This case is therefore currently pending against
13 Defendants the United States and Adventist Health Bakersfield.

14 The parties have exchanged initial disclosures. Defendant United States has served subpoenas
15 for plaintiffs' medical records, will serve written discovery (interrogatories and document requests),
16 and anticipates taking depositions of the adult plaintiffs. Defendant Adventist Health has produced
17 documents (medical records for the plaintiffs) and anticipates taking depositions of the adult
18 plaintiffs. Both defendants also anticipate conducting an Independent Medical Examination of the
19 minor plaintiff and will meet and confer with plaintiffs' counsel regarding the timing of that
20 examination. Plaintiffs intend to propound interrogatories and to schedule eight depositions of fact
21 witnesses (Dr. Hung Traw Henry Luu Tran, Dr. Lynous Willard Hall, Person Most Knowledgeable
22 for Adventist Health Bakersfield on policies and procedures, Kawaljit Singh Bajwa, R.T., Kimberly
23 Jennings, R.N., Giselle Choi, R.N., Dr. Sudhir Bhikhubhai Patel, and Dr. Gurvir S. Khurana).

24 Plaintiffs propose extending the deadline for completing non-expert discovery from August
25 26, 2022, to November 1, 2022, to allow enough time to complete these depositions. Both defendants
26 agree that such an extension makes sense, particularly because the United States' counsel is currently
27 preparing for an August trial that will make scheduling numerous depositions in the coming months
28

difficult and Adventist Health's counsel will be out of the country for the last half of September.

The parties therefore respectfully request that the Court adjust the schedule as follows:

EVENT	DEADLINE	PROPOSED NEW DEADLINE
Non-Expert Discovery Cut-Off	August 26, 2022	November 1, 2022
Plaintiff Expert Disclosures	September 9, 2022	November 15, 2022
Defendant Expert Disclosures	October 14, 2022	December 23, 2022
Rebuttal Expert Disclosures	November 10, 2022	January 13, 2023
Expert Discovery Cut-Off	January 6, 2023	March 10, 2023

The parties have agreed to a private mediation and are working to schedule it in late December 2022 or early January 2023. The proposed schedule adjustments would also facilitate those settlement efforts.

Respectfully submitted,

Dated: June 21, 2022

PHILLIP A. TALBERT
UNITED STATES ATTORNEY

/s/ Victoria L. Boesch
VICTORIA L. BOESCH
Assistant United States Attorney
Attorneys for the United States

Dated: June 21, 2022

LAW OFFICES OF DAVID & VANWAGENEN

/s/ Scott A. VanWagenen (authorized 6/21/22)
Scott A. VanWagenen
Attorneys for Plaintiffs

Dated: June 21, 2022

WHITE CANEPA LLP

/s/ William M. White (authorized 6/21/22)
William M. White
Attorneys for Defendant San Joaquin Community
Hospital dba Adventist Health Bakersfield

ORDER

Pursuant to the parties' stipulation (Doc. 17), and for good cause shown, the Court hereby MODIFIES the Scheduling Order (Doc. 9) as follows:

EVENT	DEADLINE	NEW DEADLINE
Non-Expert Discovery Cut-Off	August 26, 2022	November 1, 2022
Plaintiff Expert Disclosures	September 9, 2022	November 15, 2022
Defendant Expert Disclosures	October 14, 2022	December 23, 2022
Rebuttal Expert Disclosures	November 10, 2022	January 13, 2023
Expert Discovery Cut-Off	January 6, 2023	March 10, 2023
Non-Dispositive Motion Filing	January 20, 2023	March 24, 2023
Non-Dispositive Motion Hearing	February 17, 2023	April 28, 2023
Dispositive Motion Filing	March 7, 2023	May 9, 2023
Dispositive Motion Hearing	April 18, 2023	June 13, 2023
Pre-Trial Conference	June 13, 2023	August 11, 2023, at 1:30 p.m.

The Court further SETS a trial in this case for October 17, 2023, at 8:30 a.m., in Courtroom 4 before the Honorable Jennifer L. Thurston, United States District Judge.

IT IS SO ORDERED.

Dated: **June 22, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE